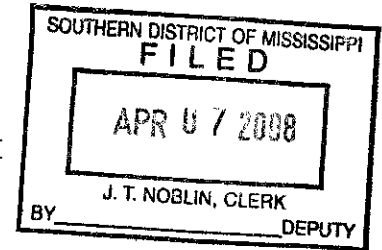


IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION



UNITED STATES OF AMERICA

V.

CRIMINAL NO. 3:07cr155HTW-LRA

DERECK DESHAUN MCMILLIAN

**AGREED PRELIMINARY ORDER OF FORFEITURE**

PURSUANT to a separate Memorandum of Understanding between the defendant, **Dereck Deshaun McMillian**, by and with the consent of his attorney, and the UNITED STATES OF AMERICA (hereafter "the Government"), the Court finds as follows:

1. The defendant is fully aware of the consequences of his having agreed to forfeit to the Government his interest in the property described below, having been apprised of such by his attorney and by this Court; and he has freely and voluntarily, with knowledge of such consequences, entered into said Memorandum of Understanding with the Government to forfeit such property.

2. The defendant acknowledges that he possessed the property described below in violation of Title 18, United States Code, Section 922(g)(1), as set forth in Count 1 of the Indictment (possession of a firearm while being a prior convicted felon), a crime punishable by more than one year's imprisonment. Said property was therefore involved in or used in a knowing violation of Title 18, United States Code, Section 922(g)(1) and is therefore subject to forfeiture pursuant to Title 18, United States Code, Sections 924(d)(1) and 28 U.S.C. 2461(c).

IT IS, THEREFORE, ORDERED AND ADJUDGED AS FOLLOWS:

1. All of the right, title, and interest of the defendant, **Dereck Deshaun McMillian**, in and to the following property is hereby forfeited to the UNITED STATES OF AMERICA:

**PERSONAL PROPERTY**

One (1) Smith and Wesson revolver, model 34,  
.22 caliber, serial number M21590

2. The United States Attorney is directed to commence the ancillary proceeding required by Title 21, United States Code, Section 853(n), by submitting for publication to the United States Marshal and/or the Department of the Treasury, the proper notice issued by the Clerk, and the United States Marshal and/or the Department of the Treasury shall cause such notice to be published once a week for three consecutive weeks in the **Clarion Ledger**, a newspaper published in Hinds County, Mississippi and/or on an official government internet forfeiture website, ([www.forfeiture.gov](http://www.forfeiture.gov)).

3. Further, pending completion of said ancillary proceeding or further order of the Court, the Marshal, the Department of the Treasury, or any other federal law enforcement agency is directed to forthwith take and/or maintain possession of the above-described property.

4. By signing this document the defendant, **Dereck Deshaun McMillian**, acknowledges that the findings made herein are correct and that he is in agreement therewith and with the adjudications made hereby.

SO ORDERED AND ADJUDGED this 4<sup>th</sup> day of April, 2008.

Henry T. Wingate  
UNITED STATES CHIEF DISTRICT JUDGE

APPROVED:

Erin O. Chalk  
Erin O. Chalk, Assistant U.S. Attorney

Dereck Deshaun McMillian  
Dereck Deshaun McMillian, Defendant

Kathy Nester  
Kathy Nester, Esq.  
Attorney for **Dereck Deshaun McMillian**